

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Darien S. Ellsworth-Daway

Case No.

15-325-M-2

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October, 2014 - March 9, 2015 in the county of Lehigh, and elsewhere in the Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Title 21, United States Code,  
Section 846,841(b)(1)(A)

Offense Description

Beginning in October, 2014, and through March 9, 2015, in the Eastern District of Pennsylvania, defendant Darien S. Ellsworth-Daway conspired with Vernon Robinson and others to distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 03/10/2015

City and state: Allentown, PA

Complainant's signature

Joshua Romig, Special Agent, DEA

Printed name and title

Judge's signature

The Hon. Henry S. Perkin, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT**

I, Joshua B. Romig, having been duly sworn, depose and state the following:

1. I am a Special Agent with the Drug Enforcement Administration where I have been employed for 7 years. I am currently assigned to the Philadelphia Division, Allentown Resident Office. Prior to being employed as a Special Agent with the Drug Enforcement Administration, beginning in 2001, I was assigned as a Detective with the Berks County District Attorney's Office Narcotics Enforcement Unit in Berks County Pennsylvania and prior to that, beginning in 1999 I was employed as a Baltimore City Police Officer in Baltimore, Maryland. As a result of my training and experience, I am familiar with the federal narcotics laws with respect to which I have enforcement authority. Based upon my training and experience in hundreds of narcotics investigations and arrests, I am also recognized as an expert in narcotics investigations and illegal narcotics distribution and I have been certified as such an expert over 20 times in Maryland, Pennsylvania and New York State courts. I have also been certified as an expert drug witness in Federal Court in the Eastern District of Pennsylvania on two separate occasions.

2. The information contained in this affidavit is based on my personal participation as the lead investigator in this case, my review of court and law enforcement records and reports related to this investigation and my interviews with arrestees, informants and law enforcement officers involved in this investigation.

***Background of Investigation***

3. Beginning in October, 2014, and continuing through March 9, 2015, Vernon Robinson, Darien S. Ellsworth-Daway and other individuals known and unknown conspired to distribute controlled substances, in excess of 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, from various locations in and around the cities of Allentown, Bethlehem, Quakertown and Philadelphia, in the Eastern District of Pennsylvania. Redactions are indicated by the letter "x" throughout the affidavit, unless otherwise noted.

4. Vernon Robinson based on law enforcement database checks by DEA agents indicates he has a date of birth of September 13, 19XX, an FBI number of XXXXXXXXX, and a PA State Identification number of XXX-XX-X-X. The following is a summary of Robinson's Pennsylvania criminal arrest and/or conviction history obtained from NCIC and The Unified

Judicial System of Pennsylvania's Web Portal: he was arrested, presumably as a juvenile, on August 26, 1996, in Philadelphia County, for carrying a firearm without a license (disposition unknown); he was arrested on August 15, 1997, in Philadelphia County for simple assault (disposition unknown); he was arrested on October 21, 1997, in Philadelphia County, for several counts of robbery, criminal conspiracy, weapons offenses. On February 18, 1999, Robinson was convicted and sentenced on five counts of felony robbery, one count of felony conspiracy, and one count of misdemeanor possession of an instrument of crime to a total of 2½-5 years in Pennsylvania State prison, followed by 5 years of probation. On September 23, 2003, he was arrested in Lycoming County, and convicted after a waiver of jury trial on June 23, 2004, of four counts of felony manufacture/delivery/possession with intent to deliver a controlled substance, two counts of felony use of a telecommunications device, and two misdemeanor counts of possession of drug paraphernalia. On December 22, 2003, Robinson was sentenced to 2½-5 years in PA State prison. Your affiant spoke with a clerk from the Lycoming County District Attorney's Office, who told your affiant Robinson was convicted at trial of delivery of cocaine for the above listed 2003 incident. The clerk reviewed the file and determined Robinson did not cooperate with law enforcement during this investigation. On or April 26, 2013, Robinson was arrested by Upper Macungie Police Department (Lehigh County) for one count of felony third degree unauthorized transfer of sounds on recording devices, one count of misdemeanor first degree possession of an instrument of crime, and one count of misdemeanor unauthorized transfer of sounds on recording devices. On July 11, 2013, Robinson pled guilty to two counts of misdemeanor first degree unauthorized transfer of sounds on recording devices, and was sentenced to 4 to 12 months in Lehigh County prison. According to his criminal history report, Robinson's Pennsylvania State Parole supervision ended on September 23, 2013. Your affiant received information from Pennsylvania State Parole Supervisor Christopher Denton that Robinson had violated his parole in April 2013, for distributing pirated or counterfeit DVDs (unauthorized transfer of sounds on recording devices as described above). PA State Parole Supervisor Denton stated Robinson was incarcerated as a result of this technical violation but was released from Lehigh County Prison in error in June 2013. This infraction and subsequent incarceration was not reflected on Robinson's NCIC criminal history report, but is found at the Unified Judicial System of Pennsylvania's Web Portal.

5. Darien Shanell Ellsworth-Daway, a/k/a "Negro," has a date of birth of April 5, 19XX. On October 30, 2014, uniformed Allentown Police Officers conducted a car stop of Ellsworth-Daway for the purpose of identifying him in conjunction with this investigation. Ellsworth-Daway provided his identification and an address of 80X East Turner Street, Apartment 10X, Allentown, PA 18109, to the Allentown Police on that same date. Ellsworth-Daway holds Florida operator's license XXXXXXXXXXXX and Massachusetts operator's license XXXXXXXX and Pennsylvania operator's license XXXXXXXX where his listed residence was 80X E. Turner Street, Allentown, PA Apt 10X, 18109. Ellsworth-Daway has no identifiable criminal history. Ellsworth-Daway utilizes social security number XXX-XX-XXXX. On February 16, 2015, agents from the DEA ARO followed Ellsworth-Daway back to his residence after seizing \$7,960 United States currency (drug proceeds obtained from Coconspirator #1 who is an identified co-conspirator) from Ellsworth-Daway. That vehicle stop, money seizure and the related conversations between coconspirator #1 and Ellsworth-Daway and physical surveillance are described in detail below.

***Probable Cause to Arrest***

6. The conversations and text messages quoted below, and in some cases translated from the Spanish to English language, are from court authorized electronic surveillance.

7. On November 3, 2014, at approximately 12:12 p.m., Darien Ellsworth-Daway and Vernon Robinson had the following conversation.

*VR: Diga me (Spanish for tell me)*

*DED: What's up with you?*

*VR: Same sh\*t, what's up with you homeboy?*

*DED: Nothing, just chilling, thinking about, give you, see if you work or not. [Both laugh]*

*VR: You're a funny mother f\*cker man. Tell me what's sure.*

*DED: Umm, I'm, I'm gonna, gonna get it ready and....how much you need?*

*VR: Everything n\*gga, what the f\*ck you mean?*

*DED: Everything?*

*VR: Si.*

*DED: I don't think you can handle everything.*

*VR: Oh, here we go. [Both laugh]*

*DED: Alright, I'll, I'll give you, I'll give you 5 or 4?*

*VR: What time...5 n\*gga. What time you going to work?*

*DED: I'm going to work before 2, um, 2:30.*

*VR: So what time you want me to, to be, to be, to get with you?*

*DED: I don't, let me call you back in like a half. I'm like opening it right now and sh\*t, you know?*



*VR: Alright n\*gga, 5 n\*gga, don't be talking that 4 sh\*t.*

*DED: No, no, no really, I'm telling you.*

*VR: What 5?*

*DED: I want to see you before I go to work. Huh?*

*VR: Yeah, I know but you talking about 4, I need 5.*

*DED: You don't need 5, how you know I had 5 because I said 5 or 4?*

*VR: N\*gga, I know everything mother f\*cker.*

*DED: You know everything. You probably be undercover or some sh\*t.*

*VR: I know everything. Yeah, undercover brother n\*gga.*

*DED: [laughs] Alright man.*

*VR: Alright.*

8. Your affiant believes that Ellsworth-Daway is referring to 500 grams of cocaine when he told Robinson he had "five." Your affiant further believes when Ellsworth-Daway stated he was "Like opening it," he was referencing opening a courier parcel containing the cocaine. Your affiant believes Ellsworth-Daway and another identified co-conspirator were utilizing the United States Postal Service to transport the cocaine into Pennsylvania (that information was confirmed at a later date during three cocaine seizures referenced in detail below on February 13, 2015, February 20, 2015 and February 23, 2015 intended for Coconspirator #1's, Coconspirator #2's and Ellsworth-Daway's (step-daughter's) residences, respectively.

9. On November 3, 2014, at approximately 12:56 p.m., Ellsworth-Daway and Robinson had the following conversation.

*VR: Hello?*

*DED: [UI]*

*VR: What's good?*

*DED: I, umm, I got that.*

*VR: Alright, I'll be there in like 20 minutes, 25 minutes.*

*DED: Alright.*

*VR: Alright.*

10. In response to the above conversations, agents established surveillance at 80X East Turner Street, Allentown, PA. At approximately 1:20 p.m., agents observed a white Nissan Altima bearing a Pennsylvania registration of JRTXXX parked curbside facing westbound near the door to 80X East Turner Street, Allentown, PA. At approximately 1:26 p.m., agents observed Darien Ellsworth-Daway exit the southeastern-most apartment via a sliding patio door. That door was confirmed to be the access to Apartment 10X. Agents further observed Ellsworth-Daway

examine a cellular telephone at least once before finally holding it to his head, apparently communicating on it.

11. At approximately 1:33 p.m., agents observed a gold BMW sedan bearing Pennsylvania registration K19XXXX travel westbound on Turner Street and north on Halstead Street. Agents noted that Ellsworth-Daway nodded his head as the BMW passed by him. Agents then observed Ellsworth-Daway enter his apartment via the sliding glass door. Agents observed the BMW pull into the parking lot on the north side of 80X East Turner Street. Agents observed Ellsworth-Daway exit the common door on the north side of 80X East Turner Street, Allentown, PA, and enter the passenger side door of the BMW. Agents observed the BMW travel north on Halstead Street and east on East Chew Street. Less than one minute later, agents observed the BMW return and stop in the lane of travel on East Turner Street, pausing close to the door to 80X East Turner Street, Allentown, PA. Agents observed Ellsworth-Daway exit the BMW and enter 80X via the common door on the building's south side. Agents then observed the BMW depart the area north on Halstead Street and eastbound on Hanover Avenue.

12. On November 10, 2014, at approximately 6:25 p.m., Darien Ellsworth-Daway and Robinson had the following conversation.

*DED: Hello.*

*VR: What's up, man?*

*DED: Nothing much. What's up?*

*VR: You ready for me?*

*DED: Nope.*

*VR: Huh?*

*DED: Like in half an hour. That sh\*t just came.*

*VR: Alright.*

*DED: Alright.*

13. Your affiant believes that Robinson was asking Ellsworth-Daway if he had cocaine ready for him. Ellsworth-Daway stated he needed one half hour. Your affiant believes that Ellsworth-Daway had to either prepare, process, or open the package of cocaine that had just come into his possession.

14. Your affiant included the following conversations between Vernon Robinson and two of his regular cocaine customers, Coconspirator #3 and Coconspirator #4. These conversations, combined with traffic stops conducted at your affiant's direction led to two separate

seizures of cocaine as detailed below. In both instances, the cocaine transactions were arranged by Robinson.

15. The following conversations are related to a DEA Allentown requested "wall off" stop and arrest of Coconspirator #4 on December 16, 2014, conducted by the Pennsylvania State Police Trooper Thomas Fleisher at the direction of your affiant. Agents knew, based on the conversations Coconspirator #4 (referred to as "CO #4" in the conversation below) was driving to Robinson's Quakertown residence (491 South 9th Street, Apartment K-XXX, Quakertown, PA) to obtain cocaine from Robinson.

9:28 a.m.

VR: *Salaam alaykum.*

CO #4: *Yo.*

VR: *Yo.*

CO #4: *Getting up and around now.*

VR: *What you say?*

CO #4: *Getting up now.*

VR: *Man I didn't go to bed until 4, 5, 6 in the morning man, I'm waiting for you, come on man. I'm in the bed.*

CO #4: *Alright.*

VR: *Alright.*

*[Call ends]*

10:50 a.m.

CO #4: *Hello?*

VR: *Young bull, what's up?*

CO #4: *Nothing.*

VR: *Where you at?*

CO #4: *I'm on the turnpike. It'll be a trip down here.*

VR: *Alright.*

CO #4: *I'll probably see you in like thirty, thirty-five minutes.*

VR: *Thirty-five minutes?*

CO #4: *Something like that.*

VR: *Alright, alright.*

CO #4: *I just got on this joint matter fact, it probably like forty something.*

VR: *You know what I mean, [UI] trouble. Alright.*

CO #4: *Alright.*

*[Call ends].*

16. At approximately 12:27 p.m., agents conducting surveillance of Robinson's apartment (K-XXX, 491 South 9<sup>th</sup> Street, Quakertown, PA) observed Coconspirator #4's blue, 2014 Chevrolet Impala, bearing a Georgia registration of PSRXXXXX, arrive in the parking lot at Robinson's building. Agents observed Coconspirator #4 and a female (later identified as K.A.) enter the common door to Robinson's apartment complex. They left approximately 15 minutes later in the Impala and a mobile surveillance ensued. Agents assured that Coconspirator #4 had traveled a significant distance from Robinson's apartment before directing a PSP Trooper effectuate the stop of Coconspirator #4's vehicle. Coconspirator #4 was travelling at a high rate of speed (79 in a 65 MPH zone) and the Trooper stopped him for this speeding infraction. Coconspirator #4 provided written and verbal consent to search the vehicle. Pursuant to the search the Trooper seized three clear plastic bags containing approximately 130 grams of suspected cocaine. A field-test conducted by the Troopers yielded a positive result for the presence of cocaine. The final laboratory results have not yet been received. Coconspirator #4 provided a statement to the Trooper stating the cocaine was his (Coconspirator #4's) and not K.A.'s. Coconspirator #4 was arrested and charged with possession with intent to deliver. Coconspirator #4 was arraigned and subsequently released on \$25,000 unsecured bail by a Montgomery County (PA) Magistrate.

17. The following is a conversation between Coconspirator #4 and Robinson at approximately 6:46 p.m. During this conversation Coconspirator #4 explains to Robinson he (Coconspirator #4) was arrested and the police seized the cocaine.

CO #4: Hello.

VR: What's up?

CO #4: Yo, They got me for...

VR: What?

CO #4: They knocked me, they knocked me the highway

VR: How the f\*ck they lock you up on the highway, huh? What you say? Hello. Yo. Hold on, hold on, I can hardly hear ya. You said you got what?

CO #4: {unintelligible} ...outside the King of Prussia. But they let the f\*cking judge gave me a f\*cking \$25K unsecured bail cause I told her I had kids and I have nobody to get them. Then they let me f\*ckin go. Dude was like, I haven't seen her do that in years so you're very lucky. But they {unintelligible} ... I was gonna tell ya that sh\*t is mine, they found that sh\*t in my girl's purse.

VR: They what?

CO #4: Yep. I'm done. I f\*cked up.

VR: Why they search you?

CO #4: Huh?



VR: Why they search you?

CO #4: Because f\*ckin I guess when they ran my name they pulled me over you know how that sh\*t your background comes up. And then the f\*cking, the sh\*t that my cousin never sent me the insurance paperwork and the f\*ckin ah, the insurance on the car and the registration that I lost a while ago. I been told that nig\*a to send that sh\*t to me.

VR: Why the pull you over?

CO #4: They pulled me over for f\*ckin speeding. I was going like 77 in a 65

VR: On the Turnpike?

CO #4: Yep. They pulled me over right ah, right before you get to the f\*ckin 276 (Vernon interrupts saying 'You were speeding in the work zone.') and the {unintelligible}.

VR: I already know, I already knew once you said the speed. I know every part of the Turnpike right now.

CO #4: {unintelligible}...I mean I'm done like f\*ckin me. I gotta see what the f\*ck I can do now. I mean I got a little bit of sh\*t in the house but that sh\*t ain't gonna do nothing for me. I got a little bit in the house and probably like five and a half (5 ½) ah joints.

VR: Damn my dog.

CO #4: My car is impounded and I said I had {unintelligible} go get the boys. I told her what happened and sh\*t so I might just have Shirana send me a deuce down here so I can get the car out tomorrow I don't know what it's gonna be like a hundred some dollars maybe. Tomorrow, so I gotta stay down here until tomorrow so I can try to get my car.

VR: Uhm!

CO #4: I'm at the Valley Forge {unintelligible} to the fingerprint joint cause they ain't have one in the King of Prussia state barracks {unintelligible}.

VR: Right. So they Mont...Montgomery County.

CO #4: Yeah, I'll be in that jail however the f\*ck I decide to {unintelligible}. She said as long as you go to court. I'm going to give you a chance this time to do what you gotta do with them kids but ah, she said uhm, just go to court. I'm like I will. I said I promise you I'll go to court. I'm like thank you so much.

VR: What the f\*ck? She let you...so how the f\*ck you...what was your bail?

CO #4: Twenty-five thousand unsecured. Unsecured mean that you don't gotta pay nothing.

VR: You didn't have to pay nothing!

CO #4: I'm just not gonna answer my f\*cking phone but I hope, I hope he knows...{unintelligible} as I am. I'm like... {unintelligible}.

VR: You ain't called me.

CO #4: No, I couldn't call you. They took my phone. I was trying to lie to say the flip phone was my friend's phone. They was like no. We know that flip phone is a drug phone. You use flip phones for that.

VR: Ah man.

CO #4: My f\*cking chest hurt like I mean...{unintelligible} if I got a lil bit, I'll bring that whatever I have {unintelligible}. It ain't gotta be much.

VR: Go ahead and do, go ahead and do...go ahead and do whatever you gotta do and then just call me.

CO #4: Yeah, I gotta get me another f\*cking flip phone too.

VR: I got you. I was called...listen I was called.

CO #4: I know you was calling me when I said {unintelligible} you saw my car pulled over?

*VR: No, no, no. I took a different way. I took 309.*

*CO #4: Oh.*

*VR: Uhm. No, but I was... (CO #4 interrupted VR).*

*CO #4: {unintelligible}.*

*VR: I did call, I did (CO #4 interrupted VR). I did call you because I was I have something, I was gonna tell you something but, alright. Just go ahead, I mean when you get back up there do what you gotta do to take care of business and then call me.*

*CO #4: Alright. Alright.*

*VR: Alright.*

*CO #4: Alright, love you homey.*

*Call Ends.*

18. On December 23, 2014, at approximately 9:56 a.m., Coconspirator #3 spoke with Robinson and Coconspirator #3 was inquiring in code if Robinson had cocaine. Robinson replied that he (Robinson) was at home and Coconspirator #3 stated that he would call later.

19. There were then five follow up conversations between Robinson and Coconspirator #3 indicating Coconspirator #3 was on his way to see Robinson. DEA ARO agents had previously identified Robinson's residence at 491 South 9th Street, Apartment K-XXX, Quakertown, PA.

20. Your affiant, and DEA Task Force Officers (TFOs) Christopher Diehl and Vasa Faasumalie established surveillance at Robinson's residence. At approximately 2:03 p.m., Coconspirator #3 told Robinson he was there (meaning at Robinson's house). At that same time, your affiant and TFO Diehl observed a 2012 Chevrolet Sedan bearing a PA registration of HJAXXXX, pull into the parking lot and park near the common door to Robinson's apartment building. TFO Faasumalie observed the passenger of that vehicle, Coconspirator #3, exit the car and enter the common door to Robinson's building; 491 South 9th Street, Apartment K-XXX, Quakertown, PA.

21. At approximately 2:05 p.m., your affiant observed the driver of the Chevrolet, later identified as E.D., exit the car and stand outside the vehicle smoking a cigarette and talking on a cell phone. At approximately 2:10 p.m., your affiant observed the driver re-enter the driver's seat of the Chevrolet.

22. At approximately 2:11 p.m., your affiant observed Coconspirator #3 return outside and re-enter the passenger's seat of the Chevrolet. At that point agents observed the Chevrolet exit the parking lot and travel southbound on Route 309. A mobile surveillance ensued. TFO

Diehl contacted Pennsylvania State Police (PSP) Troopers Jonathan Gerken and Thomas Fleisher who were waiting near the Montgomeryville Mall in Montgomery County, PA.

23. Trooper Gerken initiated the stop of the Chevrolet based on a vehicle infraction at approximately mile marker 1.9 on route 309 South, Montgomery County, PA. Trooper Gerken conducted a "pat-down" search of Coconspirator #3 after Coconspirator #3 exited the Chevy and felt an item concealed in Coconspirator #3's pants immediately identifiable to Trooper Gerken as contraband. Coconspirator #3 stated that it was marijuana, and subsequently removed a clear plastic bag containing suspected marijuana from his underwear. Trooper Gerken then conducted a further search of the Chevy and seized a clear plastic bag containing approximately 29.3 grams of suspected crack-cocaine that was wedged in between the passenger seat and the center console of the car. After being advised of his Miranda warnings by Trooper Gerken, Coconspirator #3 admitted the cocaine was his and stated that the driver, E.D., had nothing to do with the transaction.

24. Coconspirator #3 was later interviewed, at his request, by PSP Troopers and Coconspirator #3 stated he purchased the cocaine from a male named "Shawn" who drove a blue Honda, at the Montgomeryville Mall. Your affiant advised the Troopers of the ongoing investigation and that Coconspirator #3 was lying about who he purchased the cocaine from. At that point the interview ceased and Coconspirator #3 was processed and arraigned for possession with intent to distribute cocaine. His 10% cash bail was set \$10,000 and he was committed to jail. Coconspirator #3 has since posted bail, and continued to purchase cocaine from Robinson, according to other conversations that followed the arrest between Robinson and Coconspirator #3.

25. Trooper Gerken advised your affiant the cocaine field tested positive; however, the cocaine appeared to be compressed powder (cocaine hydrochloride) and not crack-cocaine (cocaine base). Trooper Gerken noted on his PSP laboratory request form to test for both. The laboratory results are still pending.

26. On February 13, 2015, agents from the Allentown Resident Office received information pursuant to the above referenced investigation that Coconspirator #1 would be receiving a "package" at 5XX North 8th Street, Allentown, PA, (Coconspirator #1's residence).

27. United States Postal Inspector Al Herzog informed agents from the ARO he had seized an approximately 9½ pound parcel mailed from E.Q. at XXX Calle XXSE, San Juan, PR

00921 intended for L.S. at 5XX N. 8th Street, Allentown, PA 18102, the residence for Coconspirator #1.

28. Inspector Herzog executed a federal search warrant on the suspect parcel pursuant to authorization from the Honorable Henry S. Perkin, United States Magistrate Judge from the Eastern District of Pennsylvania (EDPA) at the DEA ARO (504 W. Hamilton Street, Allentown, PA Suite 2500) on that same date February 13, 2015. SA Joshua Romig and TFOs Christopher Diehl, Michael Mish and Jeffrey Taylor assisted with/witnessed the execution of the search warrant.

29. The box contained food items, (bakery rolls) and had four "Brazo" boxes around the square interior of the box. Inside the Brazo boxes were a total of approximately 1,413 grams of suspected cocaine. TFO Diehl conducted a preliminary field test of the cocaine and observed a positive result. SA Romig and Inspector Herzog witnessed the positive field test.

30. Inspector Herzog maintained custody of the evidence per his rules and regulations until he transferred the cocaine to SA William Rodgers on February 19, 2015 at the ARO. The cocaine was sent to the DEA Northeast Laboratory that same day for further analysis.

31. The following conversations are between Coconspirator #1 (referred to in conversation below as "CO #1") and Ellsworth-Daway, related to the above described cocaine seizure and all occurred on February 13, 2015 as they were waiting for the cocaine package to arrive at Coconspirator #1's residence.

### **February 13, 2015**

**12:02 p.m.**

*CO #1: Hello?*

*DED: That's it?*

*CO #1: [U/I] that's it.*

*DED: What?*

*CO #1: Don't tell me that [U/I].*

*DED: I'm asking because they sent me a message that it's done. That's why I'm asking.*

*CO #1: My mail man hasn't even passed by.*

*DED: What?*

*CO #1: My mail man hasn't passed by, he should be around here.*

*DED: All right. Check, if you want you could come now, just in case.*

*CO #1: Go there? Why would I go over there?*

*DED: So you could be alert also.*



CO #1: For what?

DED: I'm just saying. I'm just saying f\*cker. It's probably around there but he has passed yet.

CO #1: Damn bro! It's really cold.

DED: I'm down here waiting. The mailman over here doesn't pass until 2:00.

CO #1: No, they always pass at the same time.

DED: All right.

CO #1: [Aside: Here the jacket.] I went to the supermarket and its cold it feels like it's at zero degrees

DED: No. He told me that that was yesterday. I've seen it now when I woke up and that's why I called you.

CO #1: So it was the other one.

DED: No, no, no, he's telling me that that already arrived at Florida.

CO #1: Oh... Bastard.

DED: But he sent that yesterday, but I didn't look at the phone yesterday and when I looked, it, it's the first thing I saw was, "that's it."

CO #1: Damn, he sent it since yesterday and you've just seen it today?

DED: What?

CO #1: What you just said.

DED: What?

CO #1: That he sent that message since yesterday. And you just saw it today.

DED: Ah, yeah, yeah. Last night.

CO #1: Damn bro, you took a bad trip there.

DED: No, it's that that phone for him and I, so I don't.

CO #1: It happens with this one also, I get the messages late.

DED: But I didn't see it [Yawns] damn bro I wanted to stay sleeping all f\*cking day

CO #1: Me to f\*cker. I went to sleep at 6:00 am.

DED: It's f\*cked up.

CO #1: Man and when you called, I heard the ring tone really, really far, I picked it up on the third ring.

DED: I was just saying "I hope this bastard doesn't turn off his phone and now I have to go down there."

CO #1: No I wouldn't turn my phone off. That was before not now.

DED: Nah, because... Sometimes you try to turn the screen off and stay with the button pressed and it gets f\*cked up.

CO #1: Yeah [Laughs]

DED: "I hope he doesn't turn it off if not I'm going to have to go down there from here."

CO #1: No, but I been expecting that since Saturday, like waiting for it. Because of what happened with you guys, you heard?

DED: Yeah.

CO #1: But nothing, let's see. I'll see if I pass by the supermarket for a bit.

DED: [Yawns] What?

CO #1: I'm going to the supermarket. Since it's not that far I could go, I'll just put on 8 shirts and 16 pants.

DED: Alright, alright I'll call you back.

32. During the conversation above Ellsworth-Daway and Coconspirator #1 were first discussing the receipt of the package. Coconspirator #1 informed Ellsworth Daway that his (Coconspirator #1's) mail carrier had not come past the house (5XX N. 8<sup>th</sup> Street, Allentown, PA) at that time.

**2:57 p.m.**

DED: *Hello.*

CO #1: *Hey bro.*

DED: *Tell me.*

CO #1: *Nah, I'm calling to tell you that the thing passed but didn't leave anything.*

DED: *You didn't ask.*

CO #1: *No because he was across the street and this guy was there. I didn't ask because he was in the other side. But call your brother to find out, just in case this guy came to fast.*

DED: *In case of what?*

CO #1: *He passed to quick.*

DED: *No because he was supposed to have it on him. Most of them don't bring it down.*

CO #1: *Uhm...*

DED: *Sometimes you have to tell them so they could go back and bring it.*

CO #1: *Are you sure?*

DED: *Yes, for real. I'm going to call anyways, but that's why Gordo (Coconspirator #2) called me, because he always checks when it leaves from the place.*

CO #1: *Okay. Alright then, let me see if I reach him and ask him.*

DED: *If you catch up tell him "Hey I was expecting a package but you didn't leave it." And that's it.*

CO #1: *Alright.*

DED: *Alright.*

CO #1: *Okay.*

33. Your affiant believes it is obvious in the conversation above and the one that follows they were beginning to be concerned that the mail carrier had passed Coconspirator #1's residence without delivering the package. In the conversation above when Coconspirator #1 referenced checking with Ellsworth-Daway's "brother," your affiant believes he is referencing Coconspirator #2. Coconspirator #2 is also referenced as "Gordo," his nickname by Ellsworth-Daway, in the conversations transcribed below. In the conversation that follows, Ellsworth-Daway confirmed the address ("5XX"), which is the house number of Coconspirator #1's residence.

**2:59 p.m.**

CO #1: *Hello.*

DED: 5XX right?

CO #1: No it's good I checked the message.

DED: Huh?

CO #1: I checked the message I sent Gordo and everything is fine.

DED: Lxx Sxxxxxxx [PH]

CO #1: Yeah.

DED: Alright.

CO #1: She did what she did last time.

DED: Yeah... [Voices overlap]

CO #1: This f\*cker is real lazy bro'

DED: That's how they been lately. I think it's because it's winter.

CO #1: Oh... so they won't have to carry it for so long.

DED: Yeah because the times that I've done that, I had to go to their truck.

CO #1: [Laughs]

DED: Because they pass by and get in and drive away. I asked, "hey do you have something there for me?" "No let me check." When they check and there it is. Like they are disoriented or something like that.

CO #1: [Background: Look at the light, she always parks there.] Hello.

DED: Hello.

CO #1: Well.

DED: But... [Voices overlap]

CO #1: I sent my little kid to check, to ask.

DED: Alright, let me know if anything.

CO #1: Yeah right away. Alright.

DED: Okay.

[END OF CONVERSATION]

**3:17 p.m.**

DED: He told me that is around there

CO #1: Well they have it then, like last time.

DED: He said to give it some time.

CO #1: The same thing as last time.

DED: But when I give you that word that it's around there it's around there, we checked. I ain't bullsh\*tting you.

CO #1: Yeah but I get nervous I don't want to...

DED: Yeah when I tell you that just asks because those bastards are doing that like they don't want to work sometimes if I didn't ask I would've to wait until the next day

CO #1: I am telling you if I tell you... ask her... because it would be on its way... I am not going to tell you...

DED: I think that bitch like to steal sh\*t

CO #1: Yeah I believe that.

DED: I hope it's not because if she finds out what's inside and decides to snitch.

CO #1: I hope not...

DED: It seems like that bitch like to steal sh\*t...

*CO #1: I don't care if she steals it... I'm afraid that she would open it, and found out what is inside... or give it back... or stick her foot somehow...*

*DED: No because they are going to do an investigation, that is not that easy...*

*CO #1: Yeah you can say that I was supposed to receive something... but you know... [Voice Overlap]*

*DED: And if she took it... and then switch it... and that is what I am claiming...*

*DED: It's going to be f\*cked up...*

*CO #1: But that is stealing... that is wrong... there is something shady going on...*

*DED: I am going to see if I see her...*

*CO #1: That is fine...*

*DED: Just tell her that she has taken this stuff twice... and that is not right...*

*CO #1: I am going to have my wife talk to her rudely...*

*DED: And is the same...*

*[Parties bid farewell]*

*[End of Conversation]*

34. During the conversations above Ellsworth-Daway and Coconspirator #1 were increasingly worried the parcel had been taken. They even go so far as to blame the mail carrier. Ellsworth-Daway stated he was worried she would find out what was inside and “snitch” confirming he knew the contents of the seized package; cocaine. In the below conversation they confirm the recipient, L.S., who was listed on the seized package.

**5:22 p.m.**

*DED: listen... what name did you say under that part...*

*CO #1: It's Lxx Sxxxxxxx...*

*DED: What?*

*CO #1: (Spells) L-X-X.*

*DED: No... for the... the chain...*

*CO #1: Oh... Mine... you have the paper... and nothing...*

*DED: What?*

*CO #1: You have the paper... what are you going to do... are you going to change it?*

*DED: Yes...*

*CO #1: And listen nothing yet... The other time they came at around 6 p.m....*

*DED: Maybe she is going to go later on today...*

*CO #1: Hopefully... Because I get desperate... if don't have anything... but if you do not have something to do I might need you to go to see the guy over here because he usually takes 50 or 1...*

*DED: Okay...*

*CO #1: I will let you know... because he said yes... but has not let me know yet...*

*DED: Okay...*

*[End of Conversation]*

**5:39 p.m.**



*CO #1: Tell me!*

*DED: F\*cker, did you gave them the correct thing...*

*CO #1: What my name...*

*DED: The address...*

*CO #1: Yes... I have the message... 5XX North ...*

*DED: Okay... because they told her that... it cannot be done there...*

*CO #1: What do you mean that they cannot do that there?*

*DED: They are going to re-send it, because supposedly cannot send it to that address...*

*CO #1: What... that is very odd...*

*DED: She call twice. The first time they told her that... and then they told her because they cannot sent it to that address.*

*CO #1: What the hell? Are you serious?*

*DED: I think you are unlike at that address... I don't know...*

*CO #1: It can't be... what the f\*ck?*

*DED: I am not talking bullsh\*t...*

*CO #1: No... I know... don't hang up... hold on...*

*[End of Conversation]*

**5:41 p.m.**

*CO #1: What the heck... men... what went wrong... I send you the text...*

*DED: [U/I]... if is got there previously... [Voice Overlap]*

*CO #1: That is what is odd... I will have to, to talk to you in person... because...*

*DED: No... they would not have let it go through...*

*CO #1: No... no... because they can... how can I said... there is a thing... that they cannot do the thing...for the same reason... [Probably law enforcement opening the package]... allegedly... but let's not think anything bad... maybe they just put me a... [U/I]... so it... I don't know...*

*DED: I doubt it... you are going to have to tell them to send another one...*

*CO #1: [U/I]...*

*DED: [Aside: That is fine what happen]... so are you going to write the check on his name... Can you change a check for me, Saul...*

*CO #1: Off course...*

*DED: Okay that is fine...*

*CO #1: I am going to take a shower so can come to me... and I will give you a little something also...*

*DED: Can you send it to my account? Right?... [Voice Overlap]*

*CO #1: But I have to go to the bank... I will sign like I am giving it to you...*

*DED: [Aside: what are asking me]... Hello !*

*CO #1: So what happen I will give you a check...*

*DED: Yes...*

*CO #1: So I can give you a little something... and to send a text from your's... to get other one... forget about it... so it might Monday or Tuesday... Right?*

*DED: I do not know... what they are going to do... I am going to wait for them to call to see if they can re-send it...*

*CO #1: Okay... so they are calling to see if the can send it...*

*DED: Yes that is right... but whatever it is... they have to say...*

*CO #1: It's like they are sending a package...*

*DED: Maybe they just wrote something by mistake... maybe a detail...*

*CO #1: I want to think that is just a wrong number or letter... You know I have not sleep anything...*

*DED: Maybe is the same bitch...*

*CO #1: Yes she is a bitch...*

*DED: Wait to call me...*

*CO #1: Call me as soon as you know...*

*[End of Conversation]*

**7:59 p.m.**

*CO #1: Hello.*

*DED: Listen... send me "Another one" ...*

*CO #1: That is why he wanted for you to send... so he could send you the same thing... But anyway I will send it to you later...*

*DED: What I am going to do is that... I am going to do the thing... [U/I]...*

*CO #1: That is fine...*

*DED: Send it to me... before it closes...*

*CO #1: Okay... okay...*

*[End of Conversation]*

35. On February 16, 2015, Ellsworth-Daway and Coconspirator #1 had conversations regarding Ellsworth-Daway obtaining drug proceeds from Coconspirator #1.

36. At approximately 12:45 p.m., Coconspirator #1 told Ellsworth-Daway to come to his residence to pick up the "tickets" because he (Coconspirator #1) had a lot of them. Coconspirator #1 also told Ellsworth-Daway that he wanted to go shopping at Forman Mills (a store in Whitehall, PA just north of Allentown, PA), and Ellsworth-Daway stated he would come over. Agents from the ARO established surveillance at Coconspirator #1's residence located at 5XX North Eighth Street, Allentown, PA.

37. At approximately 6:22 p.m., Ellsworth-Daway told Coconspirator #1 he (Ellsworth-Daway) was on 5th Street and on his way over.

38. At approximately 6:24 p.m., Ellsworth-Daway told Coconspirator #1 he (Ellsworth-Daway) was at Coconspirator #1's residence. Coconspirator #1 told Ellsworth-Daway he would be right out. At that same time, agents observed a silver Nissan Altima, bearing a Pennsylvania temporary registration of JSNXXXX, arrive and park in front of 5XX North Eighth Street, Allentown, PA.

39. At approximately 6:27 p.m., Coconspirator #1 asked Ellsworth-Daway if he should bring the check and Ellsworth-Daway stated yes. Agents then observed Coconspirator #1 exit 5XX North Eighth Street and enter the front passenger side door of the Nissan Altima.

40. A mobile surveillance began and agents followed the Nissan Altima to the Forman Mills retail store located at 2150 MacArthur Road, Whitehall, PA. At approximately 6:39 p.m., agents observed Ellsworth-Daway and Coconspirator #1 exit the Nissan Altima and enter the store. At approximately 6:57 p.m., agents observed Ellsworth-Daway and Coconspirator #1 exit the store and enter the Nissan Altima. At approximately 7:05 p.m., agents followed the Nissan Altima out of the Forman Mills parking lot and mobile surveillance resumed.

41. At approximately 7:16 p.m., agents followed Ellsworth-Daway back to Coconspirator #1's residence. Ellsworth-Daway parked the Nissan Altima in front of 5XX North Eighth Street. At approximately 7:23 p.m., Coconspirator #1 exited the front passenger side door of the Nissan Altima and entered the front door of 5XX North Eighth Street. Ellsworth-Daway departed Coconspirator #1's residence and began travelling east on Tilghman Street from Eighth Street. Believing Ellsworth-Daway was travelling to his residence; 80X E. Turner Street, Apt. 10X Allentown, PA (based on the direction of travel) to "stash" the drug proceeds he received from Coconspirator #1, DEA TFO Diehl contacted Allentown Police Department Officer Dale Stokes and requested a vehicle stop be conducted on Ellsworth-Daway.

42. At approximately 7:27 p.m., Officer Stokes initiated a vehicle stop on the Nissan Altima in the 400 block of Tilghman Street. Through the course of the vehicle stop, Officer Stokes requested consent to search Ellsworth-Daway's vehicle. Ellsworth-Daway gave verbal consent to do so. Upon searching the Nissan Altima, Officer Stokes found United States currency ("USC"), bundled together by rubber bands, located in the center console area on the Nissan Altima, as witnessed by TFO Diehl. Officer Stokes seized the USC. Officer Stokes, TFO Diehl and Ellsworth-Daway entered the All Washed Up Laundromat at 434 Tilghman Street (Allentown) that was located directly next to the vehicle stop location, due to the frigid outside temperature.

43. TFO Diehl asked Ellsworth-Daway if that was his money and Ellsworth-Daway said yes. TFO Diehl then asked Ellsworth-Daway how much money was present and Ellsworth-Daway said \$5,000 dollars. Ellsworth-Daway stated the money was from the sale of a

vehicle but when TFO Diehl asked Ellsworth-Daway what type of vehicle had been sold and when the sale took place, Ellsworth-Daway could not remember. A few minutes later, TFO Diehl again asked Ellsworth-Daway how much money was present and Ellsworth-Daway claimed \$6,000 dollars. Ellsworth-Daway then stated to TFO Diehl that it was not his money but that it belonged to his niece who had sold her vehicle. TFO Diehl asked Ellsworth-Daway what his niece's name was and what type of vehicle she had sold and Ellsworth-Daway stated he could not remember.

44. Officer Stokes issued an Allentown Police Department property hold/release form to Ellsworth-Daway, as witnessed by TFO Diehl, which Ellsworth-Daway had signed. Ellsworth-Daway indicated on the property hold form that he resided at 80X East Turner Street, Apartment 10X, Allentown, PA 1810X. TFO Diehl told Ellsworth-Daway that he was free to leave at that time.

45. On February 20, 2015, agents from the DEA Allentown Resident Office were again contacted by Inspectors with the USPS (USPI) regarding this investigation. Inspectors had intercepted an approximately six pound package which was intended to be delivered to 4111 N. Darrien Street, Philadelphia, PA. The Inspectors later executed a search warrant on that package and seized approximately two kilograms of cocaine (USPI conducted a field test on a sample from the 2 kilogram seizure that resulted in a positive result for the presence of cocaine). Your affiant believes that cocaine was intended for Coconspirator #2, who resides at 4111 N. Darrien Street, Philadelphia, PA, and a portion was to be distributed to Vernon Robinson, based on the history of this investigation.

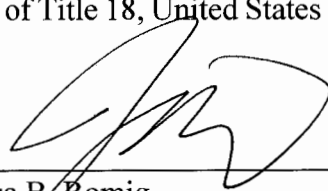
46. On February 23, 2015, agents from the DEA ARO and Inspectors from the USPS searched a parcel intended to be delivered to 159 Douglas Rd. Kutztown, PA. Although the package was not addressed to Ellsworth-Daway, agents executed a federal search warrant on Ellsworth-Daway's residence (80X E. Turner Street, Apt 10X, Allentown, PA) on March 9, 2015 and seized a printed USPS receipt for this parcel from Ellsworth-Daway's bedroom. Also the Nissan Altima Daway was observed operating on at least two occasions (one of which is described above) was parked in the driveway of that residence on February 23, 2015, the scheduled delivery date of the parcel. That parcel contained approximately 2 kilograms of cocaine. Your affiant conducted a field test of that suspected cocaine on February 23, 2015, and observed a positive result. The cocaine was sent to the DEA Northeast Laboratory for further analysis.



47. Also on March 9, 2015, agents executed a federal search warrant on Vernon Robinson's Quakertown apartment and seized two handguns; one Glock model 22, .40 caliber with an extended magazine loaded with ammunition and one Smith and Wesson .40 caliber loaded with one magazine and ammunition. Based on Robinson's criminal history – detailed above, two prior felony convictions, and the fact he (Robinson) has distributed cocaine from his residence on numerous occasions, two of which are described above, it is believed by your affiant these guns are possessed illegally and were used to facilitate his (Robinson's) drug distribution. Robinson is the only occupant of his apartment and the guns were in his bedroom dresser drawer.

### ***Conclusion***

48. Based on the information above, I have concluded there is probable cause to believe that beginning in October, 2014, through March 9, 2015, Vernon Robinson, Darien S. Ellsworth-Daway and other individuals known and unknown conspired to distribute 5 kilograms or more of cocaine from various locations in and around the cities of Allentown, Quakertown and Philadelphia, in the Eastern District of Pennsylvania in violation of Title 21, United States Code, Sections 846 and 841(a)(1), (b)(1)(A). I have further probable cause to believe that on March 9, 2015, Vernon Robinson possessed a Glock model 22, .40 caliber semi-automatic handgun with an extended 22 round magazine loaded with ammunition, and he possessed a Smith and Wesson .40 caliber semi-automatic handgun loaded with one magazine and ammunition, both being unlawful as a convicted felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

  
 Joshua B. Romig  
 Special Agent  
 Drug Enforcement Administration

Subscribed to and sworn before  
 me this 10<sup>th</sup> day of March, 2015

  
 HONORABLE HENRY S. PERKIN  
 United States Magistrate Judge